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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ARYEH GUTMAN, et al.

Plaintiffs

Case No. 03 Civ 1570 (BMC)

-against-

ZALMAN KLEIN , et al.,

AFFIRMATION

Defendants

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Joseph J. Haspel, an attorney duly admitted to practice before this Court and the Courts of the State of New York, affirms under penalty of perjury:

1. I am counsel to the Plaintiffs/Judgment Creditors, and as such, I am fully familiar with the facts and circumstances contained herein:

2. I submit this Affirmation in support of Plaintiffs' motion for an Order again citing Defendant, Zalman Klein, in contempt of this Court's Turnover Order dated September 3, 2015 (Docket #537), and for failing to purge the contempt in the manner mandated at the hearing before this Court on February 12, 2016, and for an Order fixing attorney's fees pursuant to this Court's Order dated February 3, 2016, and granting such other and further relief as is just and proper.

3. Annexed hereto as Exhibits are true and correct copies of the following documents:

Exhibit A- Transcript of Proceedings, February 12, 2016.

- Exhibit B - Decision and Order dated February 3, 2016 citing Zalman Klein for Contempt of Court.
- Exhibit C - Order Granting Judgment Creditors' Motion for Turnover of Judgment Debtor, Zalman Klein's, Shares in 185 Marcy Corp., dated September 3, 2015
- Exhibit D - Letter of Robert Rimberg, Esq. to Court dated February 16, 2016.
- Exhibit E - E-mail from Susan Cooper, Esq. to Joseph Haspel, Esq. dated February 16, 2016.
- Exhibit F - Letter of Joseph Haspel, Esq. to Court dated February 16, 2016.
- Exhibit G - Letter of Joseph Churgin, Esq. to Court dated February 16, 2016.
- Exhibit H - Letter of Joseph Haspel, Esq. to Court dated February 17, 2016.
- Exhibit I - Motion of Washington Greene Associates for Turnover of Klein's Stock in 185 Marcy Corp.
- Exhibit J - Klein's opposition to Turnover Motion.
- Exhibit K - K-1's issued to Zalman Klein by 185 Marcy Corp.
- Exhibit L - Zalman Klein Opposition to Debtors Proofs of Claim No 26 and 25 And Requests for Stay of Proceedings in *In Re: B&N Properties LLC* Chapter 11 Case No.: 03-13267 - Dated July 19, 2004
- Exhibit M - USA v. Goldwasser Criminal Docket – Case No.: 03-785 CLB
- Exhibit N - Goldwasser Management Inc. v. Aryeh Gutman – Supreme Court Kings County Order to Show Cause with Temporary Restraints Dated September 9, 2015

- Exhibit O- Goldwasser Management Inc. v. Aryeh Gutman – Appellate Division, Second Department Order to Show Cause for Leave to Appeal the Order of Hon. Martin M. Solomon that denied application for TRO
Dated: September 10, 2015
- Exhibit P- Appellate Division, Second Department Decision/Order Denying the Order to Show Cause for Leave to Appeal Dated October 16, 2015
- Exhibit Q- Supreme Court, Kings County Order denying injunction dated October 29, 2015
- Exhibit R - Assignment and Agreement between Klein and GMI dated October 28, 2015.
- Exhibit S - Judgment Creditors' contempt motion dated November 4, 2015.
- Exhibit T - Klein's opposition to Judgment Creditors' contempt motion dated December 9, 2015.
- Exhibit U - Judgment Creditors' Reply on Contempt Motion

4. With respect to attorney's fees. Attached hereto as Exhibit V are the bills for work performed by the Law Office of Joseph J. Haspel, redacting time/billing entries which are not related to Klein's contempt. These billing statements set forth the amount of hours worked, which attorney/support staff performed such work, when the work was performed, and exactly what each attorney/support staff did in preparing this case.

5. As can be seen, my time represents the lion's share of the time spent on this matter. My normal hourly rate, which I charge all clients, is \$440.00 per hour. I have been a practicing attorney for thirty-two years, having been admitted to practice in January, 1984. My practice is predominately complex commercial litigation.

6. In addition to my time, this was time spent by Mary Lou Chatterton and Fred Kelly. Ms. Chatterton has been practicing for 27 years, and Mr. Kelly has been practicing 10 years. There billing rate is \$350.00 per hour and \$300.00 per hour respectively.

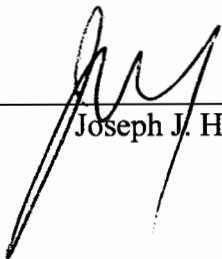
7. In total, Applicant seeks to be compensated \$30,845 for 72.5 hours of time, which represents a blended rate of \$425.49 per hour.

8. As can be seen from the billing records, the requested fees represent compensation for all litigation emanating from Mr. Klein's evasive and contemptuous conduct, including the actions in State Court under the name of his cohort, David Goldwasser.

9. For the reasons set forth in the accompanying Memorandum of Law, it is respectfully submitted that the fees requested are fair and reasonable under the circumstances.

10. For all the foregoing reasons, it is respectfully requested that the instant motion be granted in its entirety.

Dated: February 23, 2016
Goshen, New York



Joseph J. Haspel